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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,624	09/28/2006	Shinichiro Abe	Q97511	5248
23373	7590	02/19/2009	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ORTEZ CRIADO, JORGE L.	
			ART UNIT	PAPER NUMBER
			2627	
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			02/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,624

Applicant(s)

ABE ET AL.

Examiner

JORGE L. ORTIZ CRIADO

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamanaka JP 02-10524.

As per claim 12, Yamanaka discloses a read apparatus (Fig. 1; see Abstract) comprising: a read unit for reading reflected light of light beam irradiated on a disk; and an adjust unit for adjusting the read unit in correspondence with a result of reading by the read unit, further comprising: a deterioration detecting unit (monitor) for detecting deterioration of the disk in accordance with an adjust value (output amount of laser) of the read unit, which is adjusted within adjustable range of the adjust unit (between low and high range).

As per claim 13, Yamanaka discloses wherein the read unit includes an optical pick-up (see pickup Fig. 1) to irradiate the disk (4), and the adjust unit to adjust the optical pick-up.

As per claim 14, for Yamanaka as to the optical pick-up includes an objective lens (3) for converging the light beam on the disk (4), and the adjust unit adjusts a position of the objective lens in a direction of moving close to and apart from the disk so as to converge the light beam on

the disk (it is inherent that focusing operation adjustment is performed in the pickup of such optical head to record and/or reproduced from the disk).

As per claim 15, for Yamanaka as to the optical pick-up includes an objective lens (3) for converging the light beam on the disk (4), and the adjust unit adjusts a position of the objective lens in a direction of a radius of the disk so as to make the light beam follow a track on the disk (it is inherent or impliedly in a optical head that tracking control adjustment is performed to record and/or reproduced from the disk).

As per claim 16, Yamanaka discloses, wherein the adjust unit adjusts a quantity of light (semiconductor output) of the light beam to be irradiated so as to make the reflected light of the light beam constant (see abstract).

As per claim 30, Yamanaka discloses a notifying unit to notify that the deterioration detecting unit detects the deterioration of the disk (see abstract it notified that deterioration of the disk, hence such unit is implied).

As per claim 31, method claim 31 correspond to the method use din the above apparatus and is rejected for the same reasons of anticipation..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka JP 02-10524.

Although Yamanaka does not expressly shows the adjust unit adjusts a gain of amplification of the electric signal, this is merely a well known adjustment perform in optical pickup apparatus, Official Notice is taken by the examiner.

Claims 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka JP 02-10524 in view of Kiyoura et al. US Pat. No. 5,757,748.

Yamanaka teaches that the value adjusted to the is monitored, it is readily understood that the shift/change is monitored/compared from a previous value to the current value being monitored, which is adjusted within and adjustable range from low to a high output value.

However, it no expressly shown in Yamanaka a recording unit for recording such past data of the adjust values of the read unit by the adjust unit, such that the deterioration detecting

unit detects the deterioration of the disk by comparing the past data of the adjust values the read unit and the adjust value of the read unit.

This is well known in the art, for instance as evidenced by Kiyoura et al. teaches the uses of a recording unit (8/13) for recording such past data adjust values of a read unit by an adjust unit, to comparing the past data of the adjust values the read unit and the adjust value of the read unit. See for instance apparatus of Fig. 1 and fig. 4 and 5).

It would have been obvious to one of an ordinary skill in the art at the time of the invention to record such past values and compare them, providing an effective monitoring scheme in Yamanaka. Not only provides the current change/adjust but also provides for a number of changes/adjustments previously performed as taught by Kiyoura et al.

As per claim 19, from the combination above it is well understood that Yamanaka does not detect the deterioration of the disk until the past data (previous data) of the adjust values more than a predetermined quantity is recorded, does not reach the (low or high output) as monitored.

As per claim 20, from the combination above it is well understood the deterioration detecting unit defines a reference adjust value based on the past data of the adjust values and detects the deterioration of the disk by a differential value of the reference value and the adjust value of the read unit (since the comparison in the combination above is performed and based on the previously/past values).

Claims 15-23, 24-26 and 27-29, recites limitations similar to the ones treated in the above rejections of claims 18-20, and are rejected for the same reasons of obviousness.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.